



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

This request is in connection with the MCR, LLC company proposed enhanced oil recovery (EOR) project in the Whitlash Field. The proposed EOR project includes an area-wide aquifer exemption proposal for the Swift Formation.

APPROVAL OF PROPOSED AQUIFER EXEMPTION: Based on review of the supporting information provided by MBOGC, and pursuant to 40 CFR § 144.7(b)(3), the EPA hereby approves a non-substantial program revision (40 CFR § 144.7 & 145.32) to include exemption of a portion of the Swift Formation. The aquifer exemption area is depicted in the map accompanying MBOGC's revised aquifer exemption request. The depth and extent of the aquifer exemption is as follows:

Approximate Depth to Top of Swift Formation: 2,633 feet (ft.)

Approximate Depth to Bottom of Swift Formation: 2,913 ft.

Approved Injection and Aquifer Exemption Areas:

The approved injection area consists of the following sections and lots in T37N-R4E, located in Liberty County, Montana:

Section 1:	Lots 3 and 4, N $\frac{1}{2}$ SW $\frac{1}{4}$
Section 2:	Lots 1 and 2, E $\frac{1}{2}$ S $\frac{1}{2}$
Section 3:	S $\frac{1}{2}$ x
Section 4:	S $\frac{1}{2}$ e
Section 5:	SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 8:	NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$
Section 9:	N $\frac{1}{2}$ t
Section 10:	SW $\frac{1}{4}$ NW $\frac{1}{4}$ i

Exclusive of any land within 1,420 ft. of the Canadian border.

The Aquifer Exemption area consists of a 1,320 ft. ($\frac{1}{4}$ -mile) radius around the above-described land.

Based on our review of the information provided, the EPA concurs with the MBOGC's conclusions concerning the aquifer exemption criteria listed below:

- It does not currently serve as a source of drinking water (40 CFR §146.4(a)), and

- It cannot now and will not in the future serve as a source of drinking water because it is mineral producing and can be demonstrated to contain minerals (hydrocarbons) that, considering their quantity and location, are expected to be commercially producible (40 CFR §146.4(b)(1)).

This approval applies to the location and the injection activities described herein. Additional approvals may be required for additional injection activities.

Enclosed please find the Record of Decision (ROD) which supports this decision by EPA. The ROD includes additional background information, detailed analysis, and our review of state responses to any public comments.

If you have questions or concerns, please contact Tom Aalto of my staff at (303) 312-6949.

Sincerely,

Callie A. Videtich
Acting Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

Enclosure (ROD)

cc: George Hudak, MBOGC
Robert Smith, OGWDW